

Policy Name	Sexual Harassment			Policy Number	1
Effective Date	02/01/2017	Date of Last Revision	07/06/2021	Version Number	1.0
Responsible Party	VMC, Director of Operations	Contact Information	321-453-1776		
Applies To	Brevard Veterans Council and Veterans Memorial Center Board of Directors				
Version History					
Version	Approved By	Revised Date	Description of Changes	Author	
1.0	2020-2021 Executive Committee	07/06/2021	Minor Updates for Newly instated BOD	Governance Committee	

POLICY STATEMENT

The Veterans Memorial Center (VMC) strives to create and maintain an environment in which people are treated with dignity, decency and respect. This includes providing an environment that is free from sexual harassment. Sexual harassment is against the law and will not be tolerated.

REASON FOR POLICY

To ensure the safety and security of all persons.

WHO DOES THIS POLICY APPLY TO?

Visitors, clients, volunteers, employees and members.

THE POLICY - SEXUAL HARASSMENT

- It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.
- Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.
- Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.
- Although the law doesn't prohibit teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee, such as a client.

WHAT IS WORKPLACE HARASSMENT?

Illegal workplace harassment falls into one of two categories:

1. quid pro quo (this for that)
2. harassment or hostile work environment harassment.
 - Quid pro quo harassment occurs when harassing conduct results in an intangible change in an employee's employment status or benefits (becomes a condition of continued employment or leads to demotion, termination, lack of promotion opportunities.) In hostile work environment harassment, the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.
 - Harassment is often difficult to define, as many actions in the workplace tread the fine line of harassment. In general, conduct is not illegal if it only consists of offhand comments, annoyances, jokes, or petty slights not intended to severely injure an individual; however, slurs, assaults, threats, ridicule,

insensitive display of pictures and offensive jokes may be considered harassment should they interfere with the work performance of a reasonable person. Harassment is typically a series of repeated acts; however, isolated incidents may also fall under the umbrella of harassment if the behavior is particularly egregious or offensive.

In addition, a number of harassment cases violate state and federal antidiscrimination laws. These are forms of harassment due to someone's sex, race, national origin, religion, sexual preference, age, disability, transgender identity, or marital status.

WHAT IS CONSIDERED SEXUAL HARASSMENT?

Undesirable sexual advances, demands for sexual favors, and other oral or bodily conduct with a sexual connotation are considered sexual harassment when:

- A person's employment is overtly affected,
- Teasing an employee about their religious beliefs or lack thereof,
- Making prejudicial statements about an employee's birthplace or family heritage,
- Negatively commenting on the age of an employee who is at least 40 years old,
- Belittling allusions to an employee's mental or physical disability.

OTHER TYPES OF HARASSMENT

There are three major forms of harassment: verbal, nonverbal, and physical.

1. Verbal Harassment

- Sexual or suggestive comments,
- Poking fun at someone Imitating the way someone speaks,
- Sexual propositions,
- Obscene telephone calls or broadcasts over the two-way radio,
- Offensive jokes,
- Repeatedly prodding about someone's personal life,
- Threats or insults
- Inappropriate language in the workplace.

2. Nonverbal Harassment

- Hanging material on the wall that is offensive or contains sexual innuendos,
- Suggestive gazes or sneers,
- Practical jokes Impersonating someone with a disability,
- Following someone,
- Sabotaging someone's work by denying them access to information,
- Offensive bodily gestures,
- Encouraging a coworker to speak crassly about or harass someone in the office,
- Mandating those women perform domestic tasks around office (i.e., cleaning up after meetings).

3. Physical Harassment

- Gratuitous physical contact against someone's will (i.e., pinching, brushing up against, hugging),
- Sexual assault (i.e., attempting to touch someone's breasts or genitals),
- An employee's workflow is unjustly interrupted o A taunting, antagonistic, and offensive work environment is created.

HOSTILE WORK ENVIRONMENT

A hostile work environment is one form of harassment in the workplace, where conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. A hostile work environment is also frequently referred to as an intimidating work environment, offensive work environment, abusive work environment, or hostile workplace. The person responsible for creating such a threatening atmosphere could be an employee (such as a boss or coworker) or even a non-employee (such as a customer or independent contractor). Offensive conduct may entitle the victim to legal recourse through a harassment lawsuit against the employer or another employee.

SEXUAL HARASSMENT THAT CREATES A HOSTILE WORK ENVIRONMENT

Examples of sexual harassment that can contribute to a hostile work environment include:

- Gawking at someone in a sexually suggestive manner,
- Making rude comments regarding appearance (i.e., clothes, body parts),

- Contact that could make an employee feeling awkward (i.e., patting, pinching, or intentionally rubbing up against someone),
- Telling sexual or vulgar jokes, hanging lewd pictures, and making sexual gestures,
- Sending, forwarding, or requesting letters, notes, email, or images with sexual connotations

NON-SEXUAL HARASSMENT THAT CREATES A HOSTILE WORK ENVIRONMENT

Additional examples of non-sexual harassment that can lead to a hostile work environment include:

- Using disparaging words, phrases, and epithets in regard to race,
- Demonstrations poking fun at a certain race or ethnicity (i.e., gesture, picture, drawing),
- Commenting on someone's skin color or other inherent traits,
- Making non-sexual derisive remarks about someone's gender,
- Pushing, shoving, or jostling,
- Placing your hand or object into someone's pocket.

Some behaviors may be difficult to ascertain whether they are acceptable or illegal harassment. When there is mutual consent on the part of two adults, and the behavior is not offending any of their coworkers, it is acceptable. For example, when a supervisor conducts a performance evaluation with a subordinate, it is not viewed as harassment unless the feedback is not truthful or inappropriate behavior occurs during the assessment.

EXAMPLES OF SEXUAL HARASSMENT

There are numerous situations in which sexual harassment occurs, some of which may be overlooked:

- The victim and harasser can be a woman or a man. They can be of the same sex as well.
- The harasser may be the victim's boss, an agent of the employer, a manager in another department, a coworker, or someone who is not even employed by the same organization. Clients and customers can also be sued for sexual harassment.
- The victim does not have to be the direct target of the harassment; the victim could be anyone who is offended by the behavior.

- Sexual harassment can occur without the victim experiencing any financial effects or losing their job; it can also occur when it creates an inhospitable work environment.
- The offensive comments need not be explicitly sexual in nature; they can include general offensive comments about a person's sex.
- The harasser's actions must be unacceptable. There is no victim if the person in question feeds into the harasser's behavior.

EMPLOYER LIABILITY FOR HARASSMENT

An employer can be liable for harassment by a supervisor that results in a negative employment action such as termination, failure to promote or hire, and loss of wages. If the supervisor's harassment results in a hostile work environment, the employer can avoid liability only if it can prove that:

- 1) it reasonably tried to prevent and promptly correct the harassing behavior; and
- 2) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer.

In addition, an employer may be held liable for harassment by regular employees or non-employees over whom it has control (e.g., independent contractors or customers on the premises), if it knew, or should have known about the harassment and failed to take prompt and appropriate corrective action.

DOCUMENTATION OF HARASSMENT

As the personal testimony and limited recollection by the subject of harassment is sometimes not enough to prove that the events in question actually occurred, it is important for these individuals to keep detailed records related to the harassment. Any material that could help corroborate a claim or aid in providing detailed explanations of what occurred can prove valuable in putting together a quality complaint.

One of the most useful practices in proving that harassment occurred is to take notes or diary entries that explain the circumstances of each event in detail. Some of the important aspects of such notes include:

1. What happened,
2. When it happened,
3. Who was involved,
4. Where it happened,
5. Witnesses,
6. How you initially reacted.

DEALING WITH HARASSMENT

Any actions taken by the employee being harassed in an effort to stop or correct the problem will be useful in proving later that harassment did, in fact, occur. If you believe you are a victim of harassment, it may be useful to take these initial steps to attempt to resolve the problem:

- Ask the person to stop and let them know that their actions are making you uncomfortable and violate the code of conduct.
- Keep detailed documentation of all events that you deem as harassment.
- If the behavior does not end, notify your supervisor and begin the grievance process outlined in your employee handbook.

If the conduct is particularly outrageous or does not stop after confronting the harasser, the employee should report their complaints to superiors. This action gives the company or organization the opportunity to conduct their own investigation, and also serves to solidify the employee's complaint formally. If the company does not take corrective action or conduct persists anyway, the victim may have a chance to prove in a lawsuit that harassment occurred, and that the employer should also be held liable. Employees should first report harassment to:

- Supervisor,
- Manager,
- Other grievance handler (i.e., human resources manager) or union Anti-Discrimination Board.

Management is responsible for making sure the alleged harassment victim and any witness do not experience backlash in response for coming forward.

Finally, employees alleging workplace harassment must file an administrative complaint with the Equal Employment Opportunity Commission (EEOC) or relevant state agency. The organization

under which the complaint is filed will then investigate and determine your legal rights. They may conduct the entire discovery process and determine a legal remedy themselves, or hand over to the employee the right to sue for harassing conduct. These intermediate forms of remedy may be simplified with a skilled and experienced labor and employment attorney. A harassment lawyer will be able to create and collect the necessary documentation and evidence, notify the proper authorities, and present a strong case to receive compensation for harassing conduct.

RETALIATION AFTER WORKPLACE HARASSMENT

Under Title VII, it is illegal for an employer or other employee to retaliate against any individual who:

- Disagrees with employers that discriminate based on sex, gender, race, religion or any other protected class,
- Files a discrimination charge,
- Offers testimony or partakes in an investigation or court proceeding.

Any violations of this policy will be dealt with under the guidelines of Florida Statutes and the Federal EEOC GUIDELINES AS ESTABLISHED BY LAW.